

HENNIGAN, BENNETT & DORMAN LLP  
 J. Michael Hennigan (SBN 59491)  
[hennigan@hbdlawyers.com](mailto:hennigan@hbdlawyers.com)  
 Robert L. Palmer (SBN 181462)  
[palmer@hbdlawyers.com](mailto:palmer@hbdlawyers.com)  
 Lauren A. Smith (SBN 94343)  
[smithl@hbdlawyers.com](mailto:smithl@hbdlawyers.com)  
 Allison Chock (SBN 206015)  
[chocka@hbdlawyers.com](mailto:chocka@hbdlawyers.com)  
 Caroline Walters (SBN 239054)  
[waltersc@hbdlawyers.com](mailto:waltersc@hbdlawyers.com)  
 865 South Figueroa Street, Suite 2900  
 Los Angeles, California 90017  
 Telephone: (213) 694-1200  
 Fax: (213) 694-1234

Attorneys for Defendants William E. and Desiree B. Moore  
 Revocable Trust; Trustees of The William E. and Desiree B. Moore  
 Revocable Trust; Desiree B. Moore Revocable Trust;  
 William E. Moore Marital Trust; William E. Moore  
 Generation-Skipping Trust; and Desiree Moore

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, LORA SMITH and )  
 TOSHA THOMAS, individually and on behalf of )  
 a class of all other persons similarly situated, )

Plaintiffs, )

vs. )

K-M INDUSTRIES HOLDING CO., INC.; K-M )  
 INDUSTRIES HOLDING CO., INC. ESOP )  
 PLAN COMMITTEE; WILLIAM E. AND )  
 DESIREE B. MOORE REVOCABLE TRUST; )  
 TRUSTEES OF THE WILLIAM E. AND )  
 DESIREE B. MOORE REVOCABLE TRUST; )  
 CIG ESOP PLAN COMMITTEE; NORTH )  
 STAR TRUST COMPANY; DESIREE B. )  
 MOORE REVOCABLE TRUST; WILLIAM E. )  
 MOORE MARITAL TRUST; WILLIAM E. )  
 MOORE GENERATION-SKIPPING TRUST; )  
 and DESIREE MOORE, BOTH IN HER )  
 INDIVIDUAL CAPACITY AND AS TRUSTEE )  
 OF THE WILLIAM E AND DESIREE B. )  
 MOORE REVOCABLE TRUST'S SUCCESSOR )  
 TRUSTS NAMED ABOVE, )

Defendants. )

Case No. C 06-07339 CW

**[PROPOSED] ORDER GRANTING  
 DEFENDANTS WILLIAM E. AND  
 DESIREE B. MOORE REVOCABLE  
 TRUST, TRUSTEES OF THE  
 WILLIAM E. AND DESIREE B.  
 MOORE REVOCABLE TRUST,  
 DESIREE B. MOORE REVOCABLE  
 TRUST, WILLIAM E. MOORE  
 MARTIAL TRUST, WILLIAM E.  
 MOORE GENERATION-SKIPPING  
 TRUST AND DESIREE B. MOORE'S  
 ADMINISTRATIVE MOTION TO  
 REMOVE PORTIONS OF EXHIBITS  
 1 AND 2 TO THE SUPPLEMENTAL  
 DECLARATION OF CAROLINE M.  
 WALTERS (DOCKET NO. 207)  
 FROM THE PUBLIC RECORD AND  
 PLACE REMOVED PORTIONS OF  
 EXHIBITS UNDER SEAL**

1 Defendants William E. and Desiree B. Moore Revocable Trust, Trustees of the William E.  
 2 and Desiree B. Moore Revocable Trust, Desiree B. Moore Revocable Trust, William E. Moore  
 3 Marital Trust, William E. Moore Generation-Skipping Trust, and Desiree B. Moore (the “Moore  
 4 Trust Defendants”) move this court for an order removing portions of Exhibits 1 and 2 to the  
 5 Supplemental Declaration Of Caroline M. Walters In Support Of Combined Reply, filed with this  
 6 Court on July 17, 2008 (Docket No. 207) (“Supplemental Walters Declaration”), from the public  
 7 record and filing such portions of exhibits under seal.

8  
 9 The Moore Trust Defendants’ request is made in connection with a dispositive motion.  
 10 Accordingly, the documents may not be filed under seal unless there is a “compelling interest” in  
 11 doing so. *Pintos v. Pac. Creditors Ass’n*, 504 F.3d 792, 801-03 (9th Cir. 2007). This is because the  
 12 public interest favors filing all court documents in the public record. A compelling interest cannot be  
 13 established simply by showing that the document is subject to a protective order or is considered  
 14 confidential by a party, but rather must be supported by a sworn declaration demonstrating with  
 15 particularity the need to file each document or portion thereof under seal. *See id.*; Local Rule 79-  
 16 5(a).

17  
 18 KMH has filed a declaration in support of the Moore Trust Defendants’ motion. KMH has  
 19 established that the information contained in the following portions of the two exhibits that the  
 20 Moore Trust Defendants previously submitted in the public record is sealable:

21  
 22 Exhibit No. 1 – pages 205 and 206 of Deposition of Stephen Ferrari.

23 Exhibit No. 2 – pages 128 and 132 of Deposition of Joseph Cristiano.

24 ///

25 ///

26 ///

27 ///

1 Accordingly, the Moore Trust Defendants' administrative motion for an order removing  
2 portions of Exhibits 1 and 2 to the Supplemental Walters Declaration from the public record and to  
3 place the removed portions of the exhibits under seal is GRANTED. The above referenced portions  
4 of Exhibits 1 and 2 to the Supplemental Walters Declaration (Docket No. 207) shall be removed  
5 from the public record and placed under seal.

6  
7 IT IS SO ORDERED.

8  
9 DATED:

10 \_\_\_\_\_  
11 The Honorable Claudia Wilken  
12 United States District Judge  
13 Northern District of California  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

HENNIGAN, BENNETT & DORMAN LLP  
LAWYERS  
LOS ANGELES, CALIFORNIA